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#### APPENDIX

##### CLAIMS PENDING AS OF ENTRY OF THIS AMENDMENT

37. A DNA plasmid comprising an adenoviral gene fragment E4 open reading frame ORF6 operably linked to an inducible promoter.

38. The DNA plasmid of claim 37 wherein the inducible promoter is a promoter selected from a cAMP response element binding protein regulated genes.

39. The DNA plasmid of claim 38 wherein the inducible promoter is selected from a gene encoding mammalian alpha inhibin.

40. The DNA plasmid of claim 38 wherein the inducible promoter is from mouse alpha inhibin.

41. The DNA plasmid of claim 38 wherein the inducible promoter is selected from a drug inducible tetracycline responsive promoter.

42. The plasmid pIK6.1 MIP( $\alpha$ ) -E4 ORF6 designated ATC # 97325.

49. A packaging cell line derived from a 293 cell that supports the growth of a mutant adenovirus defective in replication or a recombinant adenoviral vector, wherein said adenovirus or adenoviral vector comprises a transgene and a lethal deletion or mutation in two gene regions selected from the group consisting of E1, E2A, E4-ORF6 early regions, and optionally a deletion of the E3 gene region.

50. A packaging cell line derived from a 293 cell that supports the growth of a mutant adenovirus defective in

replication or a recombinant adenoviral vector, wherein said adenovirus or adenoviral vector comprises a transgene and a lethal deletion or mutation in each of adenovirus E1 and E4-ORF6 early gene regions, and optionally a deletion of the E3 region.

51. The packaging cell line derived from human embryonic kidney cells transfected with the adenovirus 5 E4 ORF6 DNA gene fragment designated ATCC CRL# 11990.

62. A recombinant adenoviral vector wherein said vector comprises at least a lethal deletion or mutation in two gene regions selected from the group consisting of E1, E2A, E4 early gene regions, viral structural genes, and additionally comprises a transgene under the control of the human phosphoglycerate kinase promoter, so that when rescued the resulting recombinant adenovirus required for replication complementation of both the E1 and E4 adenoviral early gene regions.

63. A DNA plasmid comprising an inducible promoter operably linked to nucleotide sequences encoding cytotoxic gene products of adenoviral E4 and E2A gene regions.

64. The DNA plasmid of Claim 37 which further expresses an adenoviral E2A gene fragment operably linked to an inducible promoter.